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Practitioner's Docket No. 6382-39

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James H. Adams

Application No.: 09/815,946
Filed: March 23, 2001
For: Tie Down Coupling System

Group No.: 3612
Examiner: Gordon, S.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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INFORMATION FOR WITHDRAWAL OF ABANDONMENT--
PTO HAS NO EVIDENCE THAT FAXED CORRESPONDENCE RECEIVED

REQUEST

1. Applicant requests that the abandonment in this case be withdrawn.

PROMPTNESS OF THIS SUBMISSION

2. This information is being submitted promptly after applicant has learned of the abandonment on the basis of the Notice of Abandonment mailed by the PTO on July 21, 2003.

SUBMISSION

3. Submitted herewith is:

A copy of the complete response previously filed.
A copy of the fax transmission report showing pages sent.

4. Please proceed with further examination of this application on the basis of the attached copy of the papers originally filed.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

x deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____ - _____.

Michelle E. Hujar
Signature

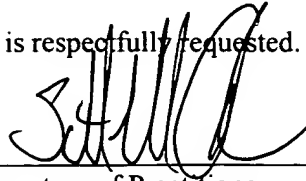
Date: August 18 2003

Michelle E. Hujar

(type or print name of person certifying)

REQUEST FOR WITHDRAWAL OF ABANDONMENT

6. Acknowledgment of the active status of this application is respectfully requested.



Signature of Practitioner

Reg. No.: 32,712
Tel. No.: 330-864-5550
Customer No.: 021324

Scott M. Oldham
Hahn Loeser + Parks
Twin Oaks Estate
1225 W. Market Street
Akron, OH 44313

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FILE NO.=983

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-HAHN LOESER + PARKS -

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Practitioner's Docket No. 6382-39

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James H. Adams

Application No.: 09/815,946
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For: Tie Down Coupling System

Group No.: 3612
Examiner: Gordon, S.

COPY

RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP
3612

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Box AF
Commissioner for Patents
Washington, D.C. 20231

AMENDMENT OR RESPONSE AFTER FINAL REJECTION-TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)
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37 C.F.R. § 1.10*
as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION
X facsimile transmitted to the Patent and Trademark Office, (703) 305 -3597

Signature
Michelle E. Hujar
(type or print name of person certifying)

Date: March 17, 2003

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



COPY

Patitioner's Docket No. 6382-39

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James H. Adams

Application No.: 09/815,946

Group No.: 3612

Filed: 03/23/2001

Examiner: Gordon, S.

For: Tie Down Coupling System

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP
3612**

**RECEIVED
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Box AF

Commissioner for Patents

Washington, D.C. 20231

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I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (703) 305 - 3597

FAXED
Date: March 17, 2003

Michelle E. Hujar
Signature

Michelle E. Hujar

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1) Claims Remaining After Amendment		(Col. 2) Highest No Previously Paid For	(Col. 3) Present Extra	SMALL ENTITY Rate	Addit Fee
Total	13	Minus	20	= 0	x \$9 =	\$0
Indep	2	Minus	3	= 0	x \$40 =	\$0
First Presentation of Multiple Dependent Claim					+ \$135 =	\$0
Total Addit. Fee						\$0

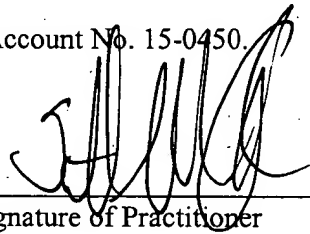
- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Account No. 15-0450.

If any additional fee for claims is required, charge Account No. 15-0450.


 Signature of Practitioner

Reg. No.: 32,712
 Tel. No.: 330-864-5550
 Customer No.: 021324

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 1225 W. Market Street
 Akron, OH 44313

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: *Adams, J.* Examiner: *Gordon, S.*

Serial No.: *09/815,946* Art Unit: *3612*

Filed: *03/23/2001* Date: *March 17, 2003*

For: *Tie Down Coupling System*

Box A-F
Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AFTER FINAL

Dear Sir:

In response to the Office Action of December 16, 2002, the following amendments and remarks are made relative thereto, and reconsideration by the Examiner is respectfully requested.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

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In the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (currently amended) A tie down system for use with a vehicle, said tie down system comprising:

at least one [mounting track] anchor assembly associated with at least one side of a cargo carrying area;

at least one tie down member having one end fixed in a position on an opposing side of said at least one side, said tie down member having a terminal end with a hook member; the anchor assembly having at least one hook hanger, said at least one hook hanger adjustably positioned in association with the mounting track at a location to allow the hook member to be positively retained in association with the [anchor assembly] hook hanger over said cargo carrying area;

said hook hanger comprising a [mounting bracket having a mounting profile conforming to said at least one mounting track, and a] hook anchor having a channel for slidably receiving said hook member, and a retaining member selectively positioned such that said hook member will not disengage from said channel.

2. (original) The tie down system of claim 1, wherein mounting tracks are provided on both sides of the cargo carrying area.

3. (original) The tie down system of claim 1, wherein said at least one mounting track is selected from the group consisting of double-L mounting tracks, C-channel mounting tracks, and integral mounting tracks formed in association with said vehicle.

4. (canceled)

5. (original) The tie down system of claim 1, wherein said at least one tie-down member is selected from the group consisting of straps, ropes, chains, cables, and wires.

6. (currently amended) A tie down system for a cargo control system, comprising:

a body member secured in a desired position relative to at least one tie down member of a cargo control system, the tie down member having a hook member associated therewith; and

said body member comprising a downward facing retention channel for insertion of at least a portion of said hook member of the tie down member, wherein said retention channel prevents substantially vertically oriented disengagement of said hook member regardless of the tension applied to said tie down member.

7. (canceled)

8. (previously amended) The tie down system of claim 6, wherein said body member has a mounting structure for selective mounting at a desired position.

9. (canceled)

10. (canceled)

11. (currently amended) The tie down system of claim 6, further comprising a hook retainer which substantially maintains the horizontal position of said hook member relative to said retention channel.

12. (canceled)

13. (currently amended) The tie down system of claim 1, wherein said hook hanger comprises:

a horizontal-movement retainer capable of preventing substantial horizontal movement of said hook member [relative to said body member].

14. (previously amended) The tie down system of claim 11, wherein said hook retainer comprises a retaining bar which is selectively positionable to prevent movement of said hook member out of engagement with said retention channel.
15. (previously amended) The tie down system of claim 13 wherein said hook retainer is positionable between a hook mounting position and a hook retaining position.
16. (cancel)
17. (cancel)
18. (currently amended) The tie down system of claim 1, wherein said hook hanger comprises a first wall positioned in spaced apart relationship to said hook anchor to form said channel adjacent said hook anchor in which a portion of said hook member is received and a second wall extending toward said hook anchor to form an opening, wherein said second wall is positioned to contact the hook member prior to release from the hook anchor to maintain engagement of the hook member with the hook hanger.
19. (currently amended) The tie down system of claim 14, wherein said hook retainer comprises first and second retainer leg members, said first retainer leg member effectively restricting substantial horizontal movement of said hook member in one horizontal direction, and said second retainer leg member effectively restricting substantial horizontal movement of said hook member in the opposite horizontal direction.
20. (previously added) The tie down system of claim 14, wherein said hook retainer is lockable in a hook retaining position.



REMARKS

In the Office Action, the Examiner has initially rejected claims 1-3, 5, 11, 13, 14, 15 and 18-20 under 35 USC §112, second paragraph. The Examiner has noted various informalities in the claims, and amendments have been made to clarify those aspects of the claims noted by the Examiner. Although the claim amendments have been made to address the Examiner's comments with respect to these various claims, the amendments do not further limit the invention, but merely clarify those portions of the claims as noted by the Examiner. For example, antecedent basis is provided in response to the Examiner's position that various recited portions of the claims did not have antecedent basis.

The Examiner has also rejected claims 6, 8 and 11 under 35 USC §102(e), as being anticipated by Whitehead. The Examiner states that Whitehead teaches a cargo tie down system including a body member 22+ secured in a desired position to a tie down member 66+ as broadly claimed. A hook 66 and a retention channel 32 are stated to be shown by Whitehead, to prevent vertical disengagement as broadly claimed. In response to this, claim 6 has been amended to recite that the body member comprises a downward facing retention channel. As clearly shown in Whitehead, the channel referred to by the Examiner, referencing element 32, is an upward facing channel, which does not bear any relation to the present invention as now claimed. It is believed that claim 6 along with those claims dependent thereon should now be in allowable condition.

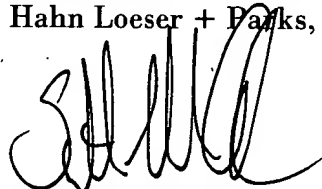
The Examiner has noted that claims 14, 19 and 20 would be allowable if rewritten to overcome the §112 rejections, and based upon the foregoing amendments, it is

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believed that these claims are now in condition for allowance. The Examiner also indicated that claims 1-3, 5, 13, 15 and 18 would be allowable if the problems noted under §112 were overcome. It is therefore believed that these claims should now also be in allowable condition.

It is now believed that the claims are fully in compliance with 35 USC §112, and are now in allowable condition. Favorable action hereon is thought to be in order and is hereby respectfully requested.

Respectfully submitted,
Hahn Loeser + Parks, LLP



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Attorney Docket No.: 6382-39



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UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,946 ✓	03/23/2001 ✓	James H. Adams ✓	6382-39 110382.00039	8245 ✓

21324 7590 07/21/2003
HAHN LOESER & PARKS, LLP
TWIN OAKS ESTATE
1225 W. MARKET STREET
AKRON, OH 44313

EXAMINER

GORDON, STEPHEN T ✓

ART UNIT	PAPER NUMBER
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3612 ✓

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

09/815,946

Examiner

Stephen Gordon

Applicant(s)

ADAMS, JAMES H.

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 16 December 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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STEPHEN GORDON

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.